

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ORLANDO CASTRO-GUTIERREZ,

Defendant.

4:22CR3128

ORDER

The defendant has moved to continue his change of plea hearing, (Filing No. 48), because Defendant needs additional time to consider a proposed plea agreement. The motion to continue is unopposed. Based on the showing set forth in the motion, the court finds the motion should be granted. Accordingly,

IT IS ORDERED:

- 1) Defendant's motion to continue, (Filing No. 48), is granted.
- 2) A telephonic conference with counsel will be held before the undersigned magistrate judge at 2:15 p.m. on March 21, 2023 to discuss setting a change of plea hearing or, in the alternative, the date of the jury trial and the deadlines for expert disclosures, or further disclosures under Rules 16(a)(1)(G) and/or 16(b)(1)(C) of the Federal Rules of Criminal Procedure. Counsel for all parties shall use the conferencing instructions provided by the court to participate in the call. Unless the court states otherwise, Defendants are excused from and need not attend these hearings. If a defendant chooses to attend, defense counsel must notify the court of that intent at least 2 business days before the hearing.

If the defendant chooses to enter a plea of guilty on March 21, 2023, the Petition to Enter a Plea of Guilty and any Plea Agreement must be forwarded to zwart@ned.uscourts.gov on or before March 17, 2023.

- 3) The ends of justice served by granting the motion to continue outweigh the interests of the public and the defendant in a speedy trial, and the

additional time arising as a result of the granting of the motion, the time between today's date and March 21, 2023 shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because although counsel have been duly diligent, additional time is needed to adequately prepare this case for trial and failing to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1) & (h)(7). Failing to timely object to this order as provided under this court's local rules will be deemed a waiver of any right to later claim the time should not have been excluded under the Speedy Trial Act.

February 6, 2023.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge